

Exhibit List
PCC's Closing *Daubert* Brief

PCC's Exhibit	Scientific Literature Title	Docket #
A -001	Morgenstern, LB, et al., <i>Use of Ephedra-containing products and risk for hemorrhagic stroke</i> , 60 NEUROLOGY 132 (January 2003)	
A -002	Hill, Austin B., <i>The Environment and Disease: Association or Causation?</i> , in SECTION OF OCCUPATIONAL MEDICINE 295 (January 14, 1965)	
A -003	Karch, S., and L. Lasagna, <i>Toward the operational identification of adverse drug reactions</i> , CLIN PHARMACOL & THER 247 (1977)	
A -004	Middleton, W., and K.K. Chen, <i>Ephedrine: a Clinical Study</i> , 39 ARCHIVE OF INTERNAL MED. 385 (1927)	
A -005	Haller CA, et al., <i>Pharmacology of Ephedra Alkaloids and Caffeine after Single Dose Dietary Supplement Use</i> , 71 CLIN PHARMACOL THER 421 (JUNE 2002)	
A -006	Gardner, S.F, <i>Effect of multicomponent, ephedra-containing dietary supplement (Metabolife 356) on Holter monitoring and hemostatic parameters in healthy volunteers</i> , 91 AM J CARDIOL 1510 (2003)	
A -007	Haller, CA, et al., <i>Enhanced stimulant and metabolic effects of combined ephedrine and caffeine</i> , 75 CLIN PHARMACOL THER 259 (Apr. 2004)	
A -008	Bouvy, M., et al., <i>Use of Sympathomimetic Drugs Leads to Increased Risk of Hospitalization for Arrhythmias in Patients with Congestive Heart Failure</i> , 160 ARCH. INT. MED. 2477 (Sept. 2000) (Ref. No. 22, Zipes Aff.)	
A -009	Pentel, P., <i>Toxicity of Over-the-Counter Stimulants</i> , 252 JAMA 1898, 1902 (No. 14, Oct. 12, 1984)	
A -010	Astrup, Arne, et al., <i>The effect and safety of an ephedrine/caffeine compound compared to ephedrine, caffeine and placebo in obese subjects on an energy restricted diet. A double blind trial</i> , 16 INT J OBES RELAT METAB DISORD 269 (1992)	
A -011	Boozer, CN., et al., <i>An herbal supplement containing Ma Huang-Guarana for weight loss: a randomized, double-blind trial</i> , INT J OBES RELAT METAB DISORD 316 (March 2001) (Defense Ex. A74)	
A -012	Jacobs et al., <i>Effects of Ephedrine, Caffeine, and their Combination on Muscular Endurance</i> , MEDICINE & SCIENCE IN SPORTS & EXERCISE 987, 990 (2003) (Defense Ex. 266)	

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A -013	McBride, B., et al., <i>Electrocardiographic and Hemodynamic Effects of a Multicomponent Dietary Supplement Containing Ephedra and Caffeine, A Randomized Controlled Trial</i> , 291 JAMA 216, 219 (No. 2, January 14, 2004) (Defense Ex. 375)	
A -014	Kalman, D., et al., <i>An acute clinical trial evaluating the cardiovascular effects of an herbal ephedra-caffeine weight loss product in healthy overweight adults</i> , 26 INT. J. OBES. 1363 (2002) (Defense Ex. 286)	
A -015	Kalman, D., et al., <i>Corrigendum, An acute clinical trial evaluating the cardiovascular effects of an herbal ephedra-caffeine weight loss product in healthy overweight adults</i> , Int. J. Obes. (2003).	
A -016	Kalman, D., et al., <i>A Double Blind Clinical Evaluation of the Safety of an Ephedra/Caffeine-based Product plus Aerobic Exercise in Healthy Overweight Adults</i> , 16 FASEB J. A785 (No. 5, March 2002). (Defense Ex. 287)	
A -017	Bell, D. et al., <i>Effects of caffeine, ephedrine and their combination on time to exhaustion during high-intensity exercise</i> , EUR J APPL PHYSIOL, 427, 429-30 (1998)	
A -018	Bell, D., et al., <i>Combined caffeine and ephedrine ingestion improves run times of Canadian Forces Warrior Test</i> , AVIATION, SPACE, AND ENVIRONMENTAL MEDICINE, 325, 237 (1999)	
A -019	Belfie, L., et al., <i>Safety and effectiveness of an herbal dietary supplement containing ephedra (ma haung) and caffeine (guarana extract) when used in combination with a supervised diet and exercise intervention</i> , 9 PROGRAM ABSTRACTS PG26 (Supplement 3, Sept. 2001)	
A -020	Boozer, et al., <i>Herbal ephedra/caffeine for weight loss: a 6 month randomized safety and efficacy study</i> , 26 INT. J. OBES. 593 (2002)	
A -021	Pasquali, R., et al., <i>A Controlled Trial Using Ephedrine In The Treatment Of Obesity</i> , 9 INT. J. OBES. 93 (1985)	
A -022	Greenway, F., et al., <i>Effect of a Dietary Herbal Supplement Containing Caffeine and Ephedra on Weight, Metabolic Rate, and Body Composition*</i> , 12 OBES. RESEARCH 1152 (No. 7, July 2004)	
A -023	Astrup, A., et al., <i>Thermogenic, Metabolic, and Cardiovascular Effects of a Sympathomimetic Agent, Ephedrine, A Double-Blind Placebo-Controlled Study</i> , 48 CURRENT THERAPEUTIC RESEARCH 1087 (No. 6, Dec. 1990)	

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A -024	Astrup, A., et al., <i>Termogenic Synergism Between Ephedrine and Caffeine in Healthy Volunteers: A Double-Blind, Placebo-Controlled Study</i> , 40 METABOLISM 323 (No. 3, March 1991)	
A -025	Tashkin, D., et al., <i>Double-Blind Comparison of Acute Bronchial and Cardiovascular Effects of Oral Terbutaline and Ephedrine*</i> , 68 CHEST 155 (August 1975)	
A -026	White, L., et al., <i>Pharmokinetics and Cardiovascular Effects of Ma-Haung (Ephedra sinica) in Normotensive Adults</i> , 37 J. CLIN. PHARMACOL 116 (1997)	
A -027	Haller, C.A., Benowitz N.L., <i>Adverse Cardiovascular and Central Nervous System Events Associated with Dietary Supplements Containing Ephedra Alkaloids</i> , 343 NEJM 1833 (No. 25, Dec. 2000)	
A -028	Blanc, S., et al., <i>Judgments of trained observers on adverse drug reactions</i> , 25 CLIN. PHARMACOLOGY AND THERAPEUTICS 493 (May 1979)	
A -029	Colker, <i>Double-Blind, Placebo Controlled Evaluation of the Safety and Efficacy of ephedra, Caffeine, and Salicin for Short Term Weight Reduction in Overweight Subjects</i> , AM. SOC. OF EXERCISE PHYSIOLOGISTS, 2 ND ANNUAL MEETING (1999)	
A -030	Waluga, M., et al., <i>Cardiovascular effects of ephedrine, caffeine and yohimbine measured by thoracic electrical bioimpedance in obese women</i> , 18 CLINICAL PSYCHOLOGY 69 (No. 1, 1998)	
A -031	Meier, K., et al., <i>A Review of Seizures Reported to the FDA in Association with Use of Dietary Supplements,</i> " (abstract), 659 J TOXICOL CLIN TOXICOL (2003)	
A -032	Myslobodsky et al., <i>Antiepileptic effects of amphetamine may require Gaba (Benzodiazepine) activity</i> , 34 LIFE SCI. 1591 (Feb. 1984)(Def. Ex. 421)	
A -033	Warter, J., et al., <i>Effects of Drugs Affecting Dopaminergic Neurotransmission in Rats with Spontaneous Petit Mal-Like Seizures</i> , 27 PHARMACOLOGY 269 (No. 3, 1988) (Def. Ex. 573)	
A -034	Yehuda, S., et al., <i>The Effects of d-Amphetamine and Temperature on p-Cresol and Pentylenetetrazol Induced Convulsions</i> , 7 INT. J. NEUROSCIENCE 223 (1977)	
A -035	King, G.A. and W.M. Burnham, <i>Effects of d-Amphetamine and Apomorphine in a New Animal Model of Petit Mal Epilepsy</i> , 69 PSYCHOPHARMACOLOGY 281 (1980)	

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A -036	Frey, H.H. and M. Vorrs, <i>Effect of Psychotropic Agents on a Model of Absence Epilepsy in Rats</i> , 30 NEUROPHARMACOLOGY 651 (No. 6, 1991)	
A -037	Feijoo, M. and J. Bilbo, <i>Seizures of Sleep Onset: Clinical and Therapeutical Aspects</i> , 15 CLINICAL NEUROPHARMACOLOGY 50 (No. 1, 1992)	
A -038	Livingston, Samuel, <i>Diagnosis and Treatment of Childhood Myoclonic Seizures</i> , 53 PEDIATRICS 542 (No. 4, April 1974)	
A -039	Bent, S., et al., <i>Correction: The Relative Safety of Ephedra Compared with Other Herbal Products</i> , 138 ANNALS OF INTERNAL MED. 1012 (No. 12, June 17, 2003)	
A -040	Bent, S., et al., <i>The Relative Safety of Ephedra Compared with Other Herbal Products</i> , 18 ANNALS OF INTERNAL MED. 468 (No. 6, March 18, 2003).	

PCC's Exhibit	Text Books Title	Docket #
B -001	ROTHMAN, KENNTH J., and SANDER GREENLAND, <i>Chapter 2, Causation and Causal Inference</i> , in MODERN EPIDEMIOLOGY 16, 17, 18, 19,20 (Lippincott, Williams & Wilkins 2 ^d ed., 1998)	
B -002	HAACK, SUSAN, <i>Neither Sacred no a Confidence Trick: The Critical Common-Sensist Manifesto</i> , in DEFENDING SCIENCE - WITHIN REASON: BETWEEN SCIENTISM AND CYNICISM 17, 23-24 (Prometheus Books, 2003).	
B -003	Haack, Susan, Summary biography and curriculum vitae	
B -004	Scheiner, Samuel M., <i>Ch. 3,Experiments, Observations, and Other Kinds of Evidence</i> , in THE NATURE OF SCIENTIFIC EVIDENCE – STATISTICAL, PHILOSOPHICAL, AND EMPIRICAL CONSIDERATIONS 51 (Mark L. Taper and Subhash R. Lele, eds., 2004)	
B -005	HAACK, SUSAN, <i>Entangled in the Bramble Bush: Science in the Law</i> , in DEFENDING SCIENCE - WITHIN REASON: BETWEEN SCIENTISM AND CYNICISM 251-252 (Prometheus Books, 2003).	
B -006	HAACK, SUSAN, <i>Nail Soup: A Brief, Opinionated History of the Old Deferentialism</i> , in DEFENDING SCIENCE - WITHIN REASON: BETWEEN SCIENTISM AND CYNICISM 37 (Prometheus Books, 2003).	
B -007	CHEN, K.K. and Carl F. Schmidt, <i>Ephedrine and Related Substances</i> , in 9 MEDICINE 1 (1930).	

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B -008	HOFFMAN, B., <i>Ch. 10, Catecholamines, Sympathomimetic Drugs & Adrenergic Receptor Antagonists</i> , in GOODMAN & GILMAN'S THE PHARMACEUTICAL BASIS OF THERAPEUTICS 215 (Hardman, et al., eds., 10 th ed., 2001)	
B -009	NIES, ALAN S., <i>Ch. 3, Principals of Therapeutics</i> , in GOODMAN & GILMAN'S THE PHARMACEUTICAL BASIS OF THERAPEUTICS 45, 50-51 (Hardman, et al., eds., 10 th ed., 2001)	

PCC's Exhibit	Experts/Industry Representatives Title	Docket #
C -001	Plaintiffs' Generic Expert Report and C.V. of John E. Maggio, Ph.D.	
C -002	Colker, Carlon, M.D. deposition transcript of May 17, 2004, pages 427-428	
C -003	Plaintiffs' Generic Expert Report and C.V. of Christine A. Haller, M.D.	
C -004	Declaration of Gary M. Franklin, M.D., MPH, re: <i>Ephedra Causation of seizures, and response to defense counsel introduction of studies relating amphetamine to seizure reduction or suppression</i> , March 7, 2005	

PCC's Exhibit	Public Documents Title	Docket #
D -001	Dietary supplements and Ephedra: health risks and FDA's Oversight GAO Statement Before the House Subcommittee on Oversight and Investigations; GAO-03-1042T United States General Accounting Office, Statement of Marcia Cross dated 7/23/2003	
D -002	Food and Drug Administration, <i>Final Rule Declaring Dietary Supplements Containing Ephedrine Alkaloids Adulterated Because They Present An Unreasonable Risk; Final Rule</i> , Part III, Department of Health and Human Services, 21 CFR Part 119, 69 Federal Register 6788-6854	
D -003	RAND Corp., Evidence - Based Practice Center (Shekelle, P et al.); <i>Ephedra and ephedrine for weight loss and athletic performance enhancement: Clinical efficacy and side effects</i> . Agency for Healthcare Research Quality: Publication No. 03-E022	

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D -004	U.S. General Accounting Office (GAO), GAO/Health, Education, and Human Services Division (HEHS); <i>Report to the Chairman and Ranking Minority Member, Committee on Science, House of Representatives Dietary Supplements: Uncertainties in Analyses Underlying FDA's Proposed Rule on Ephedrine Alkaloids</i> , 1999 GAO/HEHS/GGD-99-90	
D -005	United States General Accounting Office, <i>Dietary supplements: review of health-related call records for users of Metabolife 356</i> , GAO-03-494	
D -006	Gonzalez, Diana, <i>Doctors: Ephedrine, Heat And Exercise Are Dangerous Mix: Ephedrine Interferes With Body's Heat Elimination Process, Physicians Say</i> , NBC 6 NEWS TEAM, February 18, 2003 at 7:24 p.m. EST	
D -007	Smith, Stephen, <i>Death of major-league pitcher puts herbal supplement ephedrine in spotlight</i> , THE BOSTON GLOBE, February 19, 2003	
D -008	Congressional hearing testimony, Letter from Joshua Perper to Hon. James Greenwood (July 23, 2003)	
D -009	<i>Issues Relating to Ephedra-Containing Dietary Supplements: Before the Subcommittee on Oversight and Investigations; and the Subcommittee on Commerce and Trade, and Consumer Protection of the Committee on Energy and Commerce House of Representatives</i> , 108 th Cong. (July 23, 24, 2003)	

PCC's Exhibit	Case Law Title	Docket #
E -001	<i>McClain v. Metabolife</i> , 2005 WL 477861 (11 th Cir. 2005)	
E -002	Order re destruction of documents, <i>Crawford v. Muscletech Research & Development et al.</i> , No. CIV-01-1298-C (W.D. Okla. Jan. 24, 2003)	
E -003	<i>Martin v. Shell Oil Co.</i> , 180 Supp.2d 313, 58 Fed. R. Evid. Serv. 87 (D.Conn., Jan. 10, 2002)(No. Civ.A.3-99-CV-1428(J)	
E -004	<i>Jarvis v. Ford Motor Co.</i> , 1999 WL 461813 at *6 (S.D.N.Y. 1999)	
E -005	<i>United States of America v. Metabolife International, Inc. and Michael J. Ellis</i> , No. 03CR10881 (S.D. Cal.)	

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PCC's Exhibit	Other Authority Title	Docket #
F -001	DAVID GOODSTEIN, <i>How Science Works</i> , in ANNOTATED REFERENCE MANUAL ON SCIENTIFIC EVIDENCE 182 (2d ed., 2004)	
F -002	Restatement (Third) of Torts § 36, Ch. 5 (2003)	
F -003	Annotated Federal Rules of Evidence Rule 702	
F -004	Saks MJ et al. eds., <i>Reference Guide on Epidemiology</i> , in ANNOTATED REFERENCE MANUAL ON SCIENTIFIC EVIDENCE 470-546 (2d ed., 2004)	
F -005	Saks MJ et al. eds., <i>Reference Guide on Toxicology</i> , in ANNOTATED REFERENCE MANUAL ON SCIENTIFIC EVIDENCE 547-597 (2d ed., 2004)	
F -006	PCC Exhibits 11, 12, and 13 submitted at Daubert Hearing 2/9/2005	
F -007	Tiffany Kennedy Deposition Transcript dated 5/28/2003	
F -008	Deborah Trinker Deposition Transcript dated 5/29/2003	

PCC's Exhibit	Industry Documents Title	Docket #
G -001	Ballantine, Craig (originator) Email re: <i>Update on the Hydroxycut Study</i> (April 23, 2001)	
G -002	Email from Peak Wellness to Craig Ballantine re Hydroxycut Update (May 14, 2001)	
G -003	Email from Carlon Colker re <i>Abstracts ASP</i> to KP Conklin and Bob dated 10/30/01 and 10/31/01	
G -004	Email from Kalman to Stuart Lowther Re: Update on the Hydroxycut Study (4/23/2001); and Kalman Deposition Transcript at pages 182-190	
G -005	Letter from Sen. Durban to Scott Rudolph (Nov. 14, 2003)	
G -006	Letter from Scott Rudolph to Sen. Durbin (Nov. 20, 2003)	
G -007	Redacted consumer complaints 4261, 5098	

PCC's Exhibit	Plaintiffs' Discovery Documents Title	Docket #
H -001	Affidavit of Edward Blizzard	
H -002	Metabolife International, Inc.'s Objections and Answers to Plaintiffs' First Set of Identification only Interrogatories	

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H -003	Defendant Metabolife International, Inc.'s Response to Plaintiffs' First Set of Identification only Interrogatories	
H -004	Plaintiffs' Second Set of Identification only Interrogatories to Metabolife International, Inc.	
H -005	Metabolife International Inc.'s Objections and Answers to Plaintiffs' Second Set of Identification Only Interrogatories	
H -006	Plaintiffs' Second Set of Interrogatories to Metabolife International, Inc.	
H -007	Plaintiffs' Request for Production to Metabolife	